

EXHIBIT B

2020V_____/RRY/BAW/jw
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NEW JERSEY
2020 SEP -3 A 11: 12

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,	:	<u>FILED UNDER SEAL</u>
	:	
Plaintiff,	:	Civil Action No. 20-
	:	
v.	:	
	:	
UP TO \$3,484,336.98 ON DEPOSIT	:	<u>EX PARTE MOTION TO SEAL</u>
IN TD BANK ACCOUNT NO.	:	
4340513492 IN THE NAME OF	:	
EXPRESS DIAGNOSTICS, AND ALL	:	
PROPERTY TRACEABLE TO SUCH	:	
PROPERTY	:	
	:	
Defendant in rem.	:	

Plaintiff, United States of America, by its attorney, Craig Carpenito, United States Attorney for the District of New Jersey, Barbara A. Ward, Assistant United States Attorney, of counsel, hereby moves the Court for an Order sealing the entire file and docket in this matter until the defendants in the criminal case related to this civil forfeiture are arrested, which is anticipated to be on or about September 15, 2020.

A party moving to seal court records must demonstrate “good cause,” and such a motion is typically granted when “the moving party’s interest to seal documents outweighs the public’s interest in disclosing the information.” See *China Falcon Flying Limited v. Dissault Falcon Jet Corp.*, Civil Action No. 15-6210 (KM), 2017 WL 3718108, *2 (D.N.J. August 29, 2017) (citations omitted). Local Civil Rule 5.3(c) suggests the following relevant factors in deciding a motion to seal:

- (a) The nature of the materials or proceedings at issue;
- (b) The legitimate private or public interest which warrant the relief sought;
- (c) The clearly defined and serious injury that would result if the relief sought is not granted;
- (d) Why a less restrictive alternative to the relief sought is not available;
- (e) Any prior order sealing the same materials in the pending action; and
- (f) The identity of any party or nonparty known to be objecting to the sealing request.

L. Civ. R. 5.3(c). As set forth below, balancing the factors identified in Local Civil Rule 5.3(c) supports sealing the entire file and docket in this matter.

The United States seeks to seal the Verified Complaint and related documents filed in connection with the Verified Complaint filed in this action, including the United States’ Application for Arrest Warrant in Rem and the proposed Warrant for Arrest in Rem.

The Government was required to file the Complaint on or before September 4, 2020 in order to meet a one-year rule set forth in 18 U.S.C.

§ 984, which is explained more fully in the United States' Application for Arrest Warrant in Rem. However, the United States is also pursuing criminal charges against individuals who are identified in the Verified Complaint. Specifically, attorneys from the Department of Justice, Criminal Division, Frauds Section, plan to present an indictment to a grand jury in the District of New Jersey on September 11, 2020. The defendants named in the indictment will include Reyad Salahaldeen, who is named in the Verified Complaint as the owner and operator of the company whose account is listed in the caption of the Verified Complaint. The facts underlying the charges in the indictment are the same as those alleged in the Verified Complaint. Assuming an indictment is returned, agents from the Federal Bureau of Investigation and U.S. Department of Health and Human Services, Office of the Inspector General, intend to arrest the defendants and unseal the charges on or about September 15, 2020. The sealing of these documents is necessary to prevent the disclosure of the Complaint and the information contained therein until the targets have been arrested, at which time the government will move to unseal the Complaint.

Pursuant to the factors enumerated in Local Civil Rule 5.3(c), there is a legitimate need to seal the Verified Complaint, the Warrant for Arrest in Rem, and accompanying papers. Accordingly, we respectfully request that the Court enter an order sealing these materials from public view until the defendants

named in the anticipated indictment are arrested on or about September 15, 2020. The Government will file a motion to unseal the Complaint and accompanying materials at that time.

Dated: September 3, 2020

Respectfully submitted,

CRAIG CARPENITO
United States Attorney

BY: s/ Barbara A. Ward
BARBARA A. WARD
Assistant United States Attorney

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NEW JERSEY
SEP 3 2020

2020 SEP -3 A 11:12

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,	:	<u>FILED UNDER SEAL</u>
	:	
Plaintiff,	:	
	:	Civil Action No. 20-
v.	:	
	:	
UP TO \$3,484,336.98 ON DEPOSIT	:	<u>SEALING ORDER</u>
IN TD BANK ACCOUNT NO.	:	
4340513492 IN THE NAME OF	:	
EXPRESS DIAGNOSTICS, AND ALL	:	
PROPERTY TRACEABLE TO SUCH	:	
PROPERTY	:	
	:	
Defendant in rem.	:	

Upon the application of the United States of America by Craig Carpenito, United States Attorney for the District of New Jersey (Barbara A. Ward, Assistant U.S. Attorney, appearing), for an Order sealing the Verified Complaint for Forfeiture, Application for Warrant of Arrest *in Rem*, proposed Warrant of Arrest in Rem, and all accompanying documents, and the applications upon which this Court should order the documents submitted in support of their issuance be filed under seal; and for good cause shown;

IT IS on this _____ day of September, 2020

ORDERED that the Verified Complaint and all accompanying papers related to the above-captioned matter be filed under, and are hereby sealed, until further order of this Court.

Date:

UNITED STATES DISTRICT JUDGE
DISTRICT OF NEW JERSEY